

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

2006 MAY 31 AM 11:25

Docket No.: FIFRA-08-2006-0006FILED  
EPA REGION VII  
HEARING CLERK

To:

Hylon-Koburn Chemicals, Inc.  
PO Box 26116  
1908 West Industrial Circle  
Salt Lake City, Utah 84126

**STOP SALE, USE, OR  
REMOVAL ORDER**

**A. INTRODUCTION**

1. The United States Environmental Protection Agency (EPA) is authorized under Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), as amended, 7 U.S.C. § 136(k)(a), to issue orders prohibiting the sale, use, or removal of any pesticide whenever there is reason to believe the pesticide is in violation of any provision of FIFRA.
2. The Director of the Technical Enforcement Program has been duly delegated the authority to issue such orders.
3. FIFRA § 12(a)(1)(B), 7 U.S.C. § 136(j)(a)(1)(B), provides that it shall be unlawful for any person in any State to distribute or sell to any person any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration under section 3.

**B. ORDER**

4. EPA hereby orders Hylon-Koburn Chemicals, Inc. to stop the sale, use, or removal of Hy-Ko Double D-33 (EPA registration number 6836-75-8275) that is owned by, controlled by, or in the custody of Hylon-Koburn.
5. This Order pertains to all quantities and sizes of Hy-Ko Double D-33 within the ownership, control, or custody of Hylon-Koburn Chemicals, Inc. that are associated with pesticidal claims that state Double D-33 was "found to be effective against a broad spectrum of gram negative and gram positive organisms represented by *Pseudomonas aeruginosa*..." and that also state: "...Double D-33 is a proven "one-step" disinfectant-cleaner-sanitizer-fungicide-mildewstat-virucide which is effective in water up to 400 ppm hardness in the presence of 5% serum contamination." The product shall not be sold, used, or removed other than in accordance with the provisions of this Order or any further Stop Sale, Use, or Removal Order that may be issued in connection with Hy-Ko Double D-33 to Hylon-Koburn Chemicals, Inc.
6. Any person violating the terms or provisions of this Order shall be subject to CIVIL or CRIMINAL PENALTIES or both as set forth in FIFRA § 14, 7 U.S.C. § 136(l).

7. This order shall be EFFECTIVE IMMEDIATELY upon receipt by any representative of Hylon-Koburn Chemicals, Inc.

### C. BASIS FOR ORDER

8. On May 11, 2005, an inspector from the Utah Department of Agriculture conducted an inspection to secure antimicrobial samples for chemical and efficacy testing. Subsequent to that inspection, it was determined that Hylon-Koburn Chemicals, Inc. is distributing or selling a pesticide, Hy-Ko Double D-33, in which claims made as a part of its distribution or sale substantially differ from claims regarding *Pseudomonas aeruginosa*.

9. When tested by EPA for efficacy using the Association of Official Analytical Chemists Use-Dilution (AOAC) Test, Hy-Ko Double D-33 was found to be ineffective against *Pseudomonas aeruginosa* when used according to label directions for hospital disinfection for a contact time of 10 minutes at 20 degrees centigrade.

10. As the seller and distributor of a pesticide, you are in violation of FIFRA § 12(a)(1)(B), 7 U.S.C. § 136j(a)(1)(B), which provides in relevant part that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide that makes claims which differ substantially from those claims accepted in connection with registration.

### D. OTHER MATTERS

11. For resolution of this Order, you are encouraged to contact:

David Golden  
US EPA Region 8 (ENF-UFO)  
999 18<sup>th</sup> Street, Suite 200  
Denver, CO 80202

12. This Stop, Sale, Use or Removal Order will be supervised by the US EPA Region 8 Technical Enforcement Program unless you are otherwise notified.

May 30, 2006  
Date

Elisabeth Evans  
Elisabeth Evans, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice